IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32596 of 2006(E)

PETITIONER:

GODWIN ANTONY, S/O.ANTONY,
AKKACHERIL THOPPIL, NEENDAKARA,
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

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1. THE DEPUTY TAHSILDAR (RR),
TALUK OFFICE, KARUNAGAPPALLY, KOLLAM.

2. SRI.ANTONY, SREE KRISHNA LODGE,
KARUNAGAPPALLY P.O., KOLLAM.

BY G.P.SRI.M.A.FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 8/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.32596 of 2006

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Dated this the 8th day of December, 2006.

JUDGMENT

The second respondent suffered an order of conviction and sentence in a criminal case. He was imposed with a sentence of fine, apart from imprisonment. He underwent imprisonment and now proceedings are on to recover the fine, as also the compensation as ordered for the offence punishable under the Negotiable Instruments Act. When the revenue recovery proceedings have been initiated, the son of the petitioner contends that he has not inherited the assets of the second respondent. Obviously, that is right because the second respondent is still alive. If the petitioner has any independent claim to any property, immovable or movable, which the recovery authorities proceed against, it is for him to invoke the provisions of the Revenue Recovery Act raising a claim. In spite of the learned counsel urging that the petitioner has asserted in the writ petition that the movables belong to the petitioner exclusively, it may

not be appropriate for the writ court to adjudicate on the matter particularly when a remedy is available before the District Collector under the Revenue Recovery Act. Under such circumstances, the directions sought for in this writ petition are refused. It is directed that if any movable is seized by the revenue recovery authorities, the petitioner will be given an opportunity to raise his grievance before the revenue recovery authorities. Any application for claim will be considered and disposed of in accordance with law by the competent authority.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.